

**IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS DAVID J. MALAND, CLERK
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§

§

vs.

§

Case No. 4:08cr45

§

(Judge Schell)

MYRON EDWARD SCHANCK

§

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Petition for Warrant or Summons for Offender Under Supervision (Dkt. 2). After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on December 18, 2008, at which time the parties agreed to modify Defendant's conditions to add 180 days of electronic monitoring. At the hearing, the Defendant was represented by Denise Benson. The Government was represented by Maureen Smith. Based upon a request of the probation officer, the Court hereby enters a formal Report and Recommendation.

On April 16, 1998, the Defendant was sentenced by the Honorable Walter Smith, United States District Judge, to 96 months imprisonment, followed by a 5 year term of supervised release for the offense of Distribute Methamphetamine, a Schedule II Controlled Substance. On November 9, 2004, Defendant completed his period of imprisonment and began service of the supervision term in the Western District of Texas. Supervision in this case was transferred to the Eastern District of Texas in August 2006. Transfer of jurisdiction subsequently followed on March 10, 2008, at which time the case was assigned to the Honorable Richard A. Schell, United States District Judge.

On September 26, 2008, the U.S. Probation Officer filed a Petition for Warrant or Summons

for Offender under Supervision (Dkt. 2). The petition asserts that Defendant violated the following conditions of supervision: Defendant shall not commit another federal, state, or local crime.

The petition alleges that Defendant committed the following violation: On July 18, 2008, the Defendant pled guilty to Theft over \$500 or more but less than \$1500, a lesser included offense, Class A Misdemeanor, and was sentenced to two years deferred adjudication probation.

After being summonsed to appear for the December 18, 2008 hearing, Defendant appeared and the parties agreed to the modification of conditions as set forth below.

RECOMMENDATION

Upon agreement of the parties, the Court recommends that the Defendant's conditions of supervision be modified as follows: The Defendant shall be placed on home detention for a period not to exceed 180 days, to commence immediately. During this time, the Defendant shall remain at his place of residence except for employment and other activities approved in advance by the U. S. Probation Officer. The Defendant shall maintain a telephone at his place of residence without "call forwarding," "a modem," "Caller I.D.," "call waiting," or portable cordless telephones for the above period. At the direction of the probation officer, the Defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The Defendant is to pay the cost associated with his program of electronic monitoring.

SO ORDERED.

SIGNED this 20 day of December, 2008.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE